

Appl. No.: 10/020,540
Amendment dated November 22, 2004
Reply to Office Action of August 31, 2004
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Amendments to the Claims:

Please amend claims 1-8, 20 and 28 as follows:

1. (Currently amended) An isolated or recombinant nucleic acid molecule comprising a promoter less than 1000 base pairs in length, operably linked to a heterologous polynucleotide, wherein the promoter comprises a nucleotide sequence that is at least about ~~70~~80% identical to ~~a the full length of the~~ nucleotide sequence set forth in ~~selected from~~ SEQ ID NOS: 1[[-4]].
2. (Currently amended) The nucleic acid molecule of claim 1, wherein the promoter specifically hybridizes to a nucleic acid comprising ~~a the~~ nucleotide sequence ~~selected from~~ set forth in SEQ ID NOS: 1[[-4]], or a complement thereof.
3. (Currently amended) The nucleic acid molecule of claim 2, wherein the promoter comprises a nucleotide sequence that is at least about ~~80~~85% identical to ~~a the~~ nucleotide sequence ~~selected from~~ set forth in SEQ ID NOS: 1[[-4]].
4. (Currently amended) The nucleic acid molecule of claim 3, wherein the promoter comprises a nucleotide sequence that is at least about 90% identical to ~~a the~~ nucleotide sequence ~~selected from~~ set forth in SEQ ID NOS: 1[[-4]].
5. (Currently amended) The nucleic acid molecule of claim 4, wherein the promoter comprises ~~a the~~ nucleotide sequence ~~selected from~~ set forth in SEQ ID NOS: 1[[-4]].
6. (Currently amended) An isolated or recombinant nucleic acid molecule comprising a promoter less than 1000 base pairs in length, operably linked to a heterologous polynucleotide, wherein the promoter comprises a nucleotide sequence that is at least 90% identical to 100 contiguous nucleotides in ~~a the~~ nucleotide sequence ~~selected from~~ set forth in SEQ ID NOS: 1[[-4]].
7. (Currently amended) An isolated or recombinant nucleic acid molecule comprising a promoter less than 1000 base pairs in length, operably linked to a heterologous polynucleotide, wherein the promoter comprises at least 20 contiguous nucleotides in ~~a the~~ nucleotide sequence ~~selected from~~ set forth in SEQ ID NOS: 1[[-4]].

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8. (Currently amended) The nucleic acid molecule of claim 7, wherein the promoter comprises at least 40 contiguous nucleotides in ~~the~~ nucleotide sequence selected from set forth in SEQ ID NOS: 1-4.

9. (Original) The nucleic acid molecule of claim 6, wherein the promoter is derived from SVBV.

10. (Original) The nucleic acid molecule of claim 6, wherein the promoter is derived from SVBV Strain E3.

11. (Original) The nucleic acid molecule claim 6, wherein the heterologous polynucleotide encodes a polypeptide.

12. (Original) The nucleic acid molecule of claim 6, wherein the heterologous polynucleotide encodes an antisense RNA.

13. (Original) The nucleic acid molecule of claim 6, further comprising a transcription termination signal.

14. (Original) The nucleic acid molecule of claim 6, wherein the nucleic acid molecule is a plasmid suitable for transfection of a plant cell.

15. (Original) The nucleic acid molecule of claim 14, wherein the plasmid comprises a selectable marker gene and *Agrobacterium* border sequences.

16. (Original) The nucleic acid molecule of claim 6, wherein the promoter comprises two or more enhancer elements.

17. (Original) The nucleic acid molecule of claim 6, wherein the promoter is chimeric.

18. (Original) The nucleic acid molecule of claim 17, wherein the chimeric promoter comprises a minimal promoter region derived from SVBV.

19. (Original) The nucleic acid molecule of claim 17, wherein the chimeric promoter comprises an enhancer element derived from SVBV.

20. (Currently amended) The nucleic acid molecule of claim 19, wherein the chimeric promoter comprises two or more enhancer elements derived from SVBV.

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21. (Original) The nucleic acid molecule of claim 6, wherein the nucleic acid molecule is an expression cassette.
22. (Original) A host cell transfected with the nucleic acid molecule of claim 21.
23. (Original) The host cell of claim 22, wherein the host cell is a plant cell.
24. (Original) The host cell of claim 23, wherein the cell is present within a plant.
25. (Original) A transgenic plant comprising the nucleic acid molecule of claim 21.
26. (Original) The transgenic plant of claim 25, wherein the plant is a monocot.
27. (Original) The transgenic plant of claim 25, wherein the plant is a dicot.
28. (Currently amended) A method of expressing a heterologous polynucleotide in a plant cell, the method comprising:
- (i) providing an expression cassette comprising a promoter operably linked to the heterologous polynucleotide, wherein the promoter is less than 1000 base pairs in length, comprises a nucleotide sequence that is at least 90% identical to 100 contiguous nucleotides in a nucleotide sequence selected from SEQ ID NOS: 1[[4]]; and
 - (ii) introducing the expression cassette into a plant cell, wherein the heterologous polynucleotide is expressed.
29. (Original) The method of claim 28, wherein the plant cell is present within a plant.
30. (Original) The method of claim 28, wherein *Agrobacterium* is used to introduce the nucleic acid molecule into the cell.